

REMARKS

The present Amendment amends claims 8-11 and leaves claim 7 unchanged. Therefore, the present application has pending claims 7-11.

Claims 7-11 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 and 5-8 of prior Patent No. 6,686,070. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 7-11 are taught or suggested by claims 1 and 5-8 of the prior patent. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Claim 11 stands objected to due to an informality noted by the Examiner in paragraph 4 of the Office Action. Amendments were made to claim 11 to correct the informality noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claims 8-10 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. Various amendments were made throughout claims 8-10 to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, this rejection with respect to claims 8-10 is overcome and should be withdrawn.

Specifically, amendments were made throughout claims 8-10 to overcome the objections noted by the Examiner in the Office Action.

Claims 7-11 stand rejected under 35 USC §102(e) as being anticipated by Shukh (U.S. Patent No. 6,818,330). This rejection is traversed for the following reasons. Applicants submit that Shukh is not an appropriate reference to be used for anticipatory or obviousness type purposes to reject the claims of the present application being that the present application claims a priority date of November 26, 1999 which predates the effective date of August 25, 2000 of Shukh. Accordingly, this rejection fails. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

In order to perfect Applicants claim of priority a certified copy of the Priority Document was filed in the parent application Serial No. 09/717,213, filed November 22, 2000, now U.S. Patent No. 6,686,070. The Examiner acknowledged Applicants' claims of priority and the filing of the certified copy in said parent application in the August 7, 2000 Office Action and in the Office Action of the present application.

To further perfect Applicants' claim of priority filed on even date herewith is a Sworn English Translation of the Priority Document. Entry of said Sworn English Translation filed on even date herewith is respectfully requested.

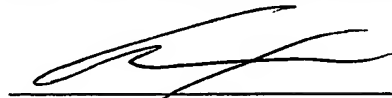
Therefore, based on the above, Applicants' date of invention of the present application predates the effective date of Shukh and as such Shukh cannot be used for prior art purposes to reject the claims of the present application.

In view of the foregoing amendments and remarks, applicants submit that claims 7-11 are in condition for allowance. Accordingly, early allowance of claims 7-11 is respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (1021.39339VX1).

Respectfully submitted,

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